

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C. SALCEDO, Minor.

UNPUBLISHED

May 15, 2014

No. 318291

Kent Circuit Court

Family Division

LC No. 12-051350-NA

Before: MURPHY, C.J., and O'CONNELL and K. F. KELLY, JJ.

PER CURIAM.

Respondent-mother appeals by right the order terminating her parental rights to the minor child. Specifically, respondent challenges the circuit court's determination that termination was in the child's best interest. Because we find no clear error in the circuit court's best-interest determination, we affirm.

In this case, the circuit court found that there were statutory grounds to terminate respondent's parental rights under MCL 712A.19b(3). Once a circuit court has found a statutory ground for termination of a parent's rights under MCL 712A.19b(3), the court must order termination of a parent's rights if the court finds by a preponderance of the evidence that termination is in the child's best interests. MCL 712A.19b(5); *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013). The circuit court may consider a variety of factors in making the best-interest determination, including the parent-child bond, the child's need for permanency and stability, and the advantages of a foster home over the parent's home. *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). A circuit court must consider a child's placement with relatives as a factor weighing against termination. *In re Mays*, 490 Mich 993, 994; 807 NW2d 307 (2012); *Olive/Metts*, 297 Mich App at 43. The controlling statute defines the term "relative" as follows:

an individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of the above, even after the marriage has ended by death or divorce. A child may be placed with the parent of a man whom the court has found probable cause to believe is the putative father if there is no man with legally established rights to the child. A placement with the parent of a putative

father under this subdivision is not to be construed as a finding of paternity or to confer legal standing on the putative father. [MCL 712A.13a(1)(j).]

We review for clear error the circuit court's determination regarding the child's best interests. MCR 3.977(K).

Respondent contends that the child in this case was placed with a relative and that the circuit court erred by declining to consider the relative placement as a factor weighing against termination. The record, however, contradicts respondent's initial premise. The child was not placed with a relative in this case. Rather, the child was placed with fictive kin. Specifically, the record confirms that the child was placed with a person who may have been related to the child's putative father, Louis Bravo-Molino. Respondent alleged that Bravo-Molino was the child's biological father, but Bravo-Molino had taken no action to establish paternity, and he had little to no contact with the child. Because there is no record evidence to support that Bravo-Molino was the child's father, the record does not support respondent's contention that the child was placed with a relative within the meaning of MCL 712A.13a(j).¹ The circuit court was not required to weigh the fictive kin connection as a factor against termination in the circumstances of this case.

Respondent next argues that the circuit court erred by failing to give proper consideration to the bond between respondent and the child and by failing to consider respondent's progress toward developing adequate parenting skills. We disagree. The circuit court recognized the bond between respondent and the child, but concluded that other factors weighed in favor of termination. The record supports the circuit court's decision. The evidence indicated that respondent was psychologically unstable at the time of termination, and that she would not be able to provide consistent care to the child for the foreseeable future given the child's age. The evidence further indicated that the child was thriving in the foster placement. Given this evidence, we find no clear error in the circuit court's best-interest analysis. See *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011) (best-interest analysis can include consideration of whether the child is safe with the parent and whether the foster home provides stability and permanency).

Affirmed.

/s/ William B. Murphy
/s/ Peter D. O'Connell
/s/ Kirsten Frank Kelly

¹ MCR 3.903(A)(7) defines a "father" as a "man" (1) who is "married to the mother at any time from a minor's conception to the minor's birth"; (2) who "legally adopts the minor"; (3) who is "judicially determined to be the father of the minor" "by order of filiation or by judgment of paternity"; (4) who is "judicially determined to have parental rights"; or (5) "whose paternity is established by the completion and filing of an acknowledgment of parentage."